

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DOUGLAS HALL; STEVEN HEIMOFF;  
BOTTLEBRUSH INVESTMENTS, L.P.;  
LEGHORN INVESTMENTS LTD.; and KAMALA  
D. HARRIS, solely in her capacity as Attorney  
General for the State of California,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01001 (SMB)

**STIPULATION AND ORDER CONCERNING SCHEDULING**

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel, and Douglas Hall; Steven Heimoff; Bottlebrush Investments, Ltd.; Leghorn Investments Ltd.; and Kamala D. Harris, solely in her capacity as Attorney General for the State of California (collectively, the “Defendants”), by and through their respective counsel

(collectively, the “Parties”), hereby stipulate and agree as follows:

WHEREAS, on January 4, 2012, the Trustee commenced the above-referenced adversary proceeding by filing a complaint (“Complaint”) and application (“Application”) seeking a declaration that state-court actions commenced by the Defendants are void *ab initio* as violative of the automatic stay and seeking to preliminarily enjoin the continued litigation of such actions;

WHEREAS, on July 18, 2012, the Court issued an order directing that the Parties enter mediation concerning the subject matter of the Application and related proceedings;

WHEREAS, on July 31, 2012, November 8, 2012, December 13, 2012, February 27, 2013, June 4, 2013, September 11, 2013, November 26, 2013, March 25, 2014, June 24, 2014, October 16, 2014, January 22, 2015, September 22, 2015, December 15, 2015, February 19, 2016, April 25, 2016, June 15, 2016, July 28, 2016, and August 9, 2016, the Court so-ordered stipulations extending the Defendants’ time to respond to the Complaint;

WHEREAS, the Parties have agreed that the Defendants’ time to respond to the Complaint should be further extended;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE TRUSTEE AND DEFENDANTS:

1. The Defendants’ time to respond to the Complaint is extended to **August 15, 2016**.
2. Nothing contained herein can or shall be construed as an adjudication on the merits of any claims that the Trustee and/or Defendants may have against each other or any other party, or as an admission or acknowledgement of any claim or defense as against the other by the Trustee or Defendants, with all such claims and defenses preserved.

<p><u>/s/ Alexandra Robert Gordon</u> Kamala Harris Attorney General of California Alexandra Robert Gordon Deputy Attorney General Department of Justice 455 Golden Gate Avenue, Suite 11000 San Francisco, California 94102-7004 Email: <a href="mailto:alexandra.robertgordon@doj.ca.gov">alexandra.robertgordon@doj.ca.gov</a></p> <p><i>Attorneys for The People of the State of California</i></p> <p><u>/s/ Marvin Gelfand</u> Marvin Gelfand, Esq. Weintraub Tobin Chediak Coleman Grodin Law Corporation 10250 Constellation Blvd., Suite 2900 Los Angeles, CA 90067 Email: <a href="mailto:mgelfand@weintraub.com">mgelfand@weintraub.com</a></p> <p><i>Attorneys for Bottlebrush Investments and Leghorn Investments, Inc.</i></p> <p><u>/s/ Barry Weprin</u> Barry Weprin, Esq. Joshua E. Keller, Esq. Milberg LLP One Pennsylvania Plaza New York, New York 10119 Email: <a href="mailto:bweprin@milberg.com">bweprin@milberg.com</a> <a href="mailto:lsmith@milberg.com">lsmith@milberg.com</a> <a href="mailto:jkeller@milberg.com">jkeller@milberg.com</a></p> <p>Milberg LLP 10866 Wilshire Blvd., Suite 600 Los Angeles, California 90024</p>	<p><u>/s/ Tracy L. Cole</u> David J. Sheehan Tracy L. Cole Deborah H. Renner Keith R. Murphy Baker &amp; Hostetler LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 Email: <a href="mailto:dsheehan@bakerlaw.com">dsheehan@bakerlaw.com</a> <a href="mailto:tcollection@bakerlaw.com">tcollection@bakerlaw.com</a> <a href="mailto:drenner@bakerlaw.com">drenner@bakerlaw.com</a> <a href="mailto:kmurphy@bakerlaw.com">kmurphy@bakerlaw.com</a></p> <p><i>Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff</i></p>
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the Vivian H. Hall IRA and Derivatively on  
Behalf of Crescent Securities, and Steven  
Heimoff, Derivatively on Behalf of Marloma  
Securities*

SO ORDERED

Dated: August 9<sup>th</sup>, 2016  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE